

REMARKS

The above claim amendments are submitted with the following remarks to be fully responsive to the Official Action dated February 15, 2006. It is further submitted that this response is timely filed within the three-month shortened-statutory period as extended by the three month extension of time filed herewith. Should any fee be required, the Commissioner is authorized to charge Kagan Binder Deposit Account No. 50-1775 and thereafter notify us of the same. Reconsideration of all outstanding grounds of the rejection and allowance of the subject application are believed in order and respectfully requested.

The Examiner's indication of allowable subject matter in claims 4 and 12 is noted with appreciation. Accordingly, claims 4 and 12 are amended to be in independent form and are believed allowable as amended. Claims 2, 3, 5-9, and 13 are amended to depend from now independent claim 4. Additionally, new dependent claims 15-22 are submitted and depend from now independent claim 12 and are consistent with the claims that depend from independent claim 4. Claim 14 is cancelled as claim 14 is drawn to a nonelected invention.

In the Official Action, claim 2 is rejected under 35 USC 112, second paragraph, as indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More specifically, the Examiner asserts that it is unclear what structural limitation is being claimed that would allow the claimed vibration damping feature. In response, claim 2 is amended to recite that the base component, the first and second rails, and the top component are configured to achieve vibration damping similar to that achieved by a Golden Fixture. Withdrawal of the rejection is thus respectfully requested.

In view of the present claim amendments, independent claim 1 is believed the only claim remaining at issue and subject to the prior art rejections. Specifically, claim 1 is rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 5,739,411 to Lee et al. and claim 1 is also rejected under 35 USC 103(a) as being unpatentable over WO 02/087211 A2 to Wanek in view of WO 01/09627 A2 also to Wanek. In response, claim 1 is amended and is believed patentable over the prior art of record as explained below.

As amended, claim 1 recites a top component comprising a plate spaced from and parallel to the base component wherein the base component, first rail, second rail, and top component

define an enclosure that can support a device during testing. An example of such an enclosure for use with a device such as a hard drive is illustrated in Figure 1 of the present application. Providing support at the sides of the hard drive with the rails, at the bottom with the base component, and at the top with the top component advantageously allows the test fixture to be used in various orientations.

Regarding the anticipation rejection, it is respectfully submitted that the Lee et al. reference does not anticipate claim 1 as amended. The Lee et al. reference is directed to an apparatus for simulating dynamic strain in shafts, such as for golf clubs. The device of the Lee et al. reference includes holding fixtures that are used to clamp a shaft to be tested relative to a frame plate and an impact device. The shaft is held at one location by fixture 34 and restraining bracket 43 and at a second location by fixture 34 and restraining clamp 44. Accordingly, the fixturing of the Lee et al. reference does not provide an enclosure that can support a device during testing where such enclosure is defined by a base, first and second rails, and a top component comprising a plate spaced from, parallel to the base, and coupled to the first and second rails as claimed. Withdrawal of the rejection is thus respectfully requested.

With respect to the obviousness rejection, the Examiner indicates that the fixture of the WO 02/087211 reference does not have a top component coupled to the rails as claimed. The Examiner thus relies on the WO 01/09627 reference and asserts that such a component is shown in Figures 1 and 2A of the WO 01/09627 reference (presumably the lever 37) and that it would have been obvious to include a top component in the fixture of the WO 02/087211 reference. As amended, the top component recited in claim 1 is believed distinct from the lever 37 of the WO 01/09627 reference. Specifically, claim 1 recites a plate spaced from and parallel to the base component wherein the base component, first rail, second rail, and top component define an enclosure that can support a device during testing. The lever of the WO 01/09627 reference does not provide such an enclosure as claimed. Thus, the lever does not cure the deficiency of the WO 02/087211 reference. Accordingly, withdrawal of the obviousness rejection of claim 1 is respectfully requested.

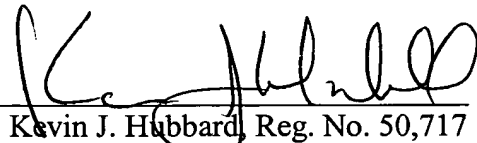
Finally, claim 1 was provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 6 of copending Application No. 11/086,781, published as Sands et al. U.S. 2005/0225338. As amended, claim 1 is believed

distinct from and patentable over claim 6 of the Sands et al. application. Withdrawal of the rejection is thus respectfully requested.

In view of the above remarks, it is respectfully submitted that the claims and the present application are now in condition for allowance, which allowance is earnestly solicited. The Examiner is invited to contact the undersigned, at the Examiner's convenience, should the Examiner have any questions regarding this communication or the present patent application.

Respectfully Submitted,

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